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**RESCISSION OF PREVIOUS  
NONPUBLICATION REQUEST**

35 U.S.C. 122(b)(2)(B)(ii))

AND, IF APPLICABLE

**NOTICE OF FOREIGN FILING**

(35 U.S.C. 122(b)(2)(B)(iii))

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Application Number	10/792,268
Filing Date	03/03/2004
First Named Inventor	Stephen G. Evangelides, Jr.
Title	OPTICAL PERFORMANCE MONITORING BETWEEN TERMINAL EQUIPMENT, etc.
Atty Docket Number	9005/45
Group Art Unit	unassigned
Examiner	unassigned

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby rescind the previous nonpublication request

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).

March 25, 2004

Date

908-518-7700

Telephone number

Signature

Keum J. Park Reg. No. 42,059

Typed or printed name

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**This request must be signed in compliance with 37 CFR 1.33(b).**

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703) 605-4283 or by e-mail at PGPub@USPTO.gov.

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PG Pub, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile ((703) 305-8568) transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type) Debra Rosenbaum

Signature

Date

3/25/2004

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Date 3/25/2004

Sig: Debra Rosenbaum

Name: Debra Rosenbaum

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Stephen G. Evangelides, Jr. et al.

**Serial No.:** 10/792,268

**Filed:** 03/03/2004

**Title:** OPTICAL PERFORMANCE MONITORING BETWEEN TERMINAL EQUIPMENT AND AN  
OPTICAL INTERFACE TO AN OPTICAL SUBMARINE TRANSMISSION LINE

**Art Unit:** unassigned

**Examiner:** unassigned

**Docket No.:** 9005/45

VIA FACSIMILE 703-305-8568

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**RESCISSION OF PREVIOUS NONPUBLICATION REQUEST**

Sir:

Filed herewith is a Rescission of Previous Nonpublication Request (35 U.S.C. 122 (b) (2) (B)(ii)) for the above referenced patent application. This above referenced application is a CIP of patent application 10/621,028 for which a corresponding PCT application was filed on August 20, 2003. Therefore, the Nonpublication Request under 35 U.S.C. 122 (b)(2)(i) was improperly filed with the Utility Patent Application Transmittal on March 3, 2004. This error was made inadvertently and without deceptive intent.

It is respectfully requested that the Nonpublication Request filed on 03/03/2004 be withdrawn in this matter and that the official filing receipt to be issued in this matter include a projected publication date.

While it is not believed that any charges are due, the United States Patent and Trademark Office is authorized to charge any fees in this manner to deposit account number 50-1047.

Respectfully submitted,



Keum J. Park

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